

BOROUGH OF WASHINGTON
WARREN COUNTY
ORDINANCE # 3-2011

RESTRUCTURING RECREATION SERVICES

WHEREAS, the Mayor and Council have determined that it would be in the best interests of the Borough to restructure the manner in which it handles recreational services by creating a Board of Recreation Commissioners to replace the current advisory Recreation Committee;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, as follows:

Section 1. Article VIIIA, including Sections 3-55.1 through 3-55.7 of Chapter 3 of the Code of the Borough of Washington is repealed in its entirety.

Section 2. A new Article VIIIA of Chapter 3 of the Code of the Borough of Washington entitled "Board of Recreation Commissioners" is hereby created as follows:

§ 3-55.1. Establishment.

- A. Pursuant to the provisions of N.J.S.A. 40:12-1 and 40:12-1.1, there is hereby established a Board of Recreation Commissioners to consist of seven residents of the Borough and two alternate members, who shall also be residents of the Borough.
- B. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of the Board of Recreation Commissioners. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No.1 shall vote.
- C. All members shall be of good moral character. A member or alternate member may, after public hearing, if he or she requests one, be removed by the governing body for cause, for conviction of a crime involving moral turpitude or for unexcused absences from 3 consecutive monthly meetings. No member or alternate member shall be permitted to act on any matter in which the member or alternate member has either directly or indirectly any personal or financial interest.
- D. There shall be a minimum of one (1) but no more than two (2) members of the Borough Council appointed by the Mayor, with the advice and consent of Council, who shall serve as liaisons to the Board of Recreation Commissioners for a one year term. The Council shall decide at the beginning of each year as to whether there shall be one or two liaison members for that year who shall be permitted to participate in all meeting of the Board of Recreation Commissioners, but shall have no vote.

§ 3-55.2. Appointment of members.

The Mayor shall nominate and, by and with the advice and consent of the Council, shall appoint all members of the Board of Recreation Commissioners in the manner provided by law for the appointment of Borough Officers.

§ 3-55.3. Terms; vacancies

- A. All members of the Board of Recreation Commissioners shall be appointed for a period of five years and until their successors are duly appointed and qualified; provided, however, that, in the case of the initial appointment of members of the Board, the initial terms shall be for periods of one, two, three, four and five years, respectively, with two members having initial terms of one year and two members having initial terms of two years.
- B. Vacancies occurring in the membership of the Board shall be filled by the Mayor with the advice and consent of the Council.
- C. Alternate members shall be designated at the time of appointment as “Alternate No. 1” and “Alternate No. 2.” The length of the terms of the alternate members shall be the same as the length of the terms of the regular members of the Board of Recreation Commissioners. In the case of initial appointment of the alternate members, the initial term for Alternate No. 1 shall be five years and Alternate No. 2 shall be four years.
- D. A vacancy occurring otherwise than by expiration of term for regular and alternate members shall be filled by the governing body for the unexpired term only.
- E. Members appointed to the Board of Recreation Commissioners shall receive no compensation.

§ 3-55.4. Powers and duties.

- A. Subject to the general authority of the governing body, the Board of Recreation Commissioners shall have the following powers and duties:
 - (1) To supervise and regulate all parks, playgrounds and recreational areas belonging to the Borough. It shall be the Borough’s responsibility to maintain said parks, playgrounds and recreational areas, which includes but is not limited to the municipal pool and surrounding grounds, maintenance and storage facilities, roadways and sidewalks, restrooms, and ball fields.
 - (2) To establish, supervise and regulate the recreation program to meet the recreational needs of the residents of the Borough.
 - (3) To promulgate, adopt and approve such rules and regulations as the Board of Recreation Commissioners shall deem necessary to carry out its purposes and objectives, subject to the review and approval of the governing body.
 - (4) To appoint such personnel as may be required to carry out the responsibilities of the Board of Recreation Commissioners for each calendar year.
 - (5) To recommend to the governing body a budget for the operation of the Board of Recreation Commissioners for each calendar year.
 - (6) The Board of Recreation Commissioners must abide by all local policies and regulations, including Ordinances, as well as all applicable State statutes. This includes, but is not limited to the Borough Purchasing Manual, Local Public Contracts Law, Local Finance Laws, Civil Service Commission regulations relating to personnel, Open Public Meetings Act, Open Public Records Act, Government Records Council

regulations, grant application requests, and, if adopted in the future, and Background Check requirements for employees/volunteers, as amended.

- (7) The Board of Recreation Commissioners shall hold at a minimum one (1) public meeting per month to discuss and act on items within their authority as dictated in this Ordinance. Said meeting schedule will be established at the first meeting in January of each calendar year. All meetings will be conducted in accordance with the requirements of the Open Public Meeting Act.
 - (8) On a monthly basis, the Board of Recreation Commissioners shall provide a detailed accounting of the previous month's activities to the Borough Council, which, at a minimum will include, but not be limited to, programs run, revenue received, and expenditures made. From time to time, the Borough Council of the Borough of Washington may require additional information and or reporting requirements that the Board of Recreation Commissioners shall produce.
 - (9) To promulgate and adopt bylaws for governing its own affairs, subject to the approval of the Borough Council.
- B. The Board of Recreation Commissioners shall, in addition, have such powers and authority as is provided pursuant to N.J.S.A. 40:12-1 through 40:12-15, inclusive, except that the Board of Recreation Commissioners shall not have the authority to acquire lands for public playgrounds and recreation places without the prior authorization of the governing body and title to any such land so acquired shall be taken in the name of the Borough.

§ 3-55.5. Officers.

The Board of Recreation Commissioners shall have the power to appoint from among its members a Chairperson, who shall be the presiding officer, and such additional officers as the Board may desire, whose terms shall expire on December 31 in the year of appointment or until their successors are elected and qualified. Said appointments shall be made at the first regular meeting in January of each calendar year in. Aside from presiding over meetings of the Board of Recreation Commissioners, the Chairperson shall have no additional authority, implied or otherwise.

§ 3-55.6. Termination of powers and duties.

In the event that a court of competent jurisdiction declares that the Board of Recreation Commissioners shall have the power to acquire lands for public playgrounds without the necessity of securing prior authorization therefore by the governing body, this article shall immediately and automatically be repealed, and the powers and duties of the Board of Recreation Commissioners shall be vested in the governing body.

§3-55.7. Director of Recreation

There is hereby created a Director of Recreation who shall be appointed by and report to the Board of Recreation Commissioners. He/she shall serve under the supervision of the Board of Recreation Commissioners as to the day-to-day responsibilities of overseeing Borough recreation services and staff. The Director shall be responsible for the development and execution of programs and activities for recreation and operation and maintenance of Borough parks and pool, in consultation with the Board of Recreation Commissioners. The Director shall receive such compensation as may be provided for the by Salary Ordinance.

§3-55.8. Powers and Duties of Director

The Director shall have the following specific duties:

- A. Take charge of and be responsible for the day to day Recreation activities of the Borough.
- B. Be responsible to the Borough Manager for the adherence to the annual and capital budget, personnel policies and all financial and purchasing policies. The Director shall consult with the Manager in connection with all significant annual and capital budgets, personnel policies and all financial and purchasing policies issues.
- C. Hire all recreation employees in consultation with the Board of Recreation Commissioners.
- D. Prepare detailed annual plans and budget recommendations for the maintenance and operation of all parks, playgrounds, pool and facilities for recreation and cultural programs sponsored by the Borough in consultation with the Board of Recreation Commissioners.
- E. Administer and expend departmental funds in accordance with the budget appropriations and ordinances and the financial procedures established by the Manager.
- F. Establish, evaluate and propose, to the extent feasible, programs for every age group population of the Borough, in consultation with the Board of Recreation Commissioners.
- G. Coordinate all volunteer or community group efforts to provide recreational programming as they relate to Borough facilities or calendar in consultation with the Board of Recreation Commissioners.
- H. Attend all meetings of the Board of Recreation Commissioners and respond to direction from the Board of Recreation Commissioners.
- I. Seek out recreation and senior citizen grants and write grant applications, in consultation with the Board of Recreation Commissioners.

§ 3-55.9. When effective.

In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

| [Public Hearing/Adoption September 20, 2011](#)